

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

GERARD J. KEATING, JANET A.)
KEATING, FRANK R. KREJCI,)
JANE KREJCI, TIMOTHY PETERSON,)
LINDA PETERSON, DARYL)
BUTTERFIELD and MAKALA)
BUTTERFIELD, individually and)
on behalf of all persons)
similarly situated,)

Plaintiffs,)

7:07CV5011

v.)

NEBRASKA PUBLIC POWER)
DISTRICT, NEBRASKA DEPARTMENT)
OF NATURAL RESOURCES, DENNIS)
L. RASMUSSEN, MARY A. HARDING,)
RONALD W. LARSEN, LARRY A.)
LINSTROM, DARRELL J. NELSON,)
EDWARD J. SCHROCK, KEN L.)
SCHMIEDING, GARY G. THOMPSON,)
LARRY G. KUNCL, VIRGIL L.)
FROEHLICH, WAYNE E. BOYD and)
ANN SALOMAN BLEED, in their)
official capacities, and DOES)
1-100,)

Defendants.)

ORDER

This matter is before the Court upon conclusion of a June 5, 2009 scheduling conference. During the conference, counsel represented to the Court that the outcome of a pending case in the Nebraska Supreme Court may inform the Court's judgment on the legal issues in this case. Counsel further represented that it is likely that the state court will issue an opinion in the near future. Progression of this case should

therefore be stayed pending the Nebraska court's decision.

Accordingly,

IT IS ORDERED that:

(1) This action is stayed pending a ruling by the Nebraska Supreme Court in the case of *In re 2007 Appropriation of Niobrara River Waters*;

(2) The parties shall schedule a new scheduling conference with the Court within ten (10) days of the issuance of the aforementioned opinion.

DATED this 8th day of June, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court